

## **REMARKS**

Claims 1-25 are pending is the instant application. No claims have been added by this Amendment. Claims 3, 4, 9, 16, 17, 23, and 24 have been cancelled by this Amendment. Therefore upon entry of this present Amendment claims 1, 2, 5-8, 10-15, 18-22, and 25 will be pending.

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

### ***Claim Rejections - 35 USC § 102***

Examiner has rejected Claims 1-4, 6, 8, 10-14, 16, 18-21, 23 and 25 under 35 U.S.C. 102(e) as being anticipated by Kelton et al. (U.S. Patent Publication 2004/0125779 A1).

Applicant traverses the rejections and the Examiner's use and characterization of the art. Anticipation requires the disclosure of each and every element of the claim arranged as in the claim—not in isolation. When the claimed invention is not identically disclosed in a reference, and instead requires picking and choosing among a number of different options disclosed by the reference, then the reference does not anticipate. *Mendenhall v. Astec Indus.*, 1988 U.S. Dist., 13 U.S.P.Q.2d 1913, 1928 (Tenn. 1988), *aff'd*, 13 entered by U.S.P.Q.2d 1956 (Fed. Cir. 1989). *Akzo N.V. v. International Trade Commission*, 808 F.2d 1471, 1480 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909, 107 S. Ct. 2490, 96 L. Ed. 2d 382 (1987); *In re Arkley*, 59 C.C.P.A. 804, 455 F.2d 586, 587-88 (CCPA 1972).

Kelton et al, fails to teach, alone or in combination, manual initialization of QoS through a setup operation at the home gateway. Applicant has amended the claims so that each claim has a manual step.

### ***Claim Rejections - 35 USC § 103***

The Examiner has rejected claims 5, 9, 15, and 22 under 35 U.S.C. 103(a) as being unpatentable over Kelton et al. (U.S. Patent Publication 2004/0125779 A1) in view of Widegren et al. (U.S. Patent Publication 2002/0120749 A1).

Kelton et al, fails to teach, alone or in combination, manual initialization of QoS through a setup operation at the home gateway. Applicant has amended the claims so that each claim has a manual step. Widegren et al. does not correct this failure.

The prior art is based on the idea that devices will make known to the home gateway their LAN QoS requirements without any user intervention. An application in the device determines what QoS it needs in its LAN and through some protocol (i.e. RSVP) passes that information to the home gateway. The approach of the instant application is about making known to the home gateway the QoS needs of the devices and their applications through a manual step. The user directly tells the home gateway what the QoS needs of the devices are and thus they are relieved from having to determine their QoS needs.

Embodiments of the invention result in cost savings for the development of applications and devices that need QoS from the LAN connected to the home gateway.

Applicant believes this application and the claims herein to be in a condition for allowance. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted:  
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June 13, 2008

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